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09/891,143	06/25/2001	Peter Kamvysselis	EMS-01701	8831
26339 7590 01/26/2007 MUIRHEAD AND SATURNELLI, LLC 200 FRIBERG PARKWAY, SUITE 1001 WESTBOROUGH, MA 01581			EXAMINER TANG, KENNETH	
			ART UNIT 2195	PAPER NUMBER

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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/891,143  
Filing Date: June 25, 2001  
Appellant(s): KAMVYSSELIS ET AL.

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Kamvysselis, et al.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/30/06 appealing from the Office action mailed 3/28/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

4,104,718	Poublan et al.	8-1978
6,519,632 B1	Brackett et al.	2-2003
5,900,871	Atkin et al.	5-1999
6,035,376	James	3-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 5-6, 17, 21-22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poublan et al. (hereinafter Poublan) (US 4,104,718) in view of Brackett et al. (hereinafter Brackett) (US 6,519,632 B1), and further in view of Atkin et al. (hereinafter Atkin) (US 5,900,871).**

As to claim 1, Poublan teaches a method of providing multiple jobs for a device associated with a communication device (*col. 1, lines 34-44*), comprising:

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providing a plurality of device records (files), wherein each of the device records corresponds to a device associated with the communication device (*col. 9, lines 14-19, col. 56, lines 35-55*);

providing a plurality of job records for at least one of the device records, wherein each of the job records contains at least some information (*col. 40, lines 1-19*); and

linking (pointer) the job records and the corresponding device record so that any one of the job records may be accessed by first accessing the corresponding one of the device records (*col. 41, lines 43-45*).

Poublan fails to explicitly teach that the job records contain information that is also provided in the corresponding one of the device records and exchanging data between the two communication devices. However, Brackett teaches having job records containing information that is also provided in the corresponding one of the device records for a system that communicates with multiple remotely located storage or printing devices (*col. 5, lines 30-33, col. 8, lines 5-16, Fig. 2, Fig. 6 and 8*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Poublan and Brackett because this increases communication ability of data records, as stated in Brackett (*col. 5, lines 30-33, col. 8, lines 5-16*).

Poublan and Brackett are silent wherein jobs corresponding to the job records associated with a particular device record are serviceable by different entities. However, Atkin teaches that it is typical and well known in the art for a computer system to have entities such as adaptors. Specifically, Atkins discloses an input/output adaptor for connecting disk units 20, for example. Atkins also discloses another entity such as a communication adaptor 34, wherein it transfers

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data and links the device with hundreds or even thousands of similar devices such as remote printers, remote services, or remote storage units (*col. 4, lines 60-67 through col. 5, lines 1-15*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Atkin with Pouban and Brackett because this would allow for dynamic data management of the jobs among a plurality of system/devices, as stated in Atkin (*col. 3, lines 43-51, col. 4, lines 13-26, col. 5, lines 30-33, col. 8, lines 5-16*).

As to claim 5, Pouban teaches wherein at least one of the device records includes a pointer to one of the job records corresponding to an active job (*col. 12, lines 43-51 and col. 50, lines 13-25*).

As to claim 6, Pouban fails to explicitly teach wherein each of the job records includes information not found in other ones of the job records. However, it would have been obvious to one of ordinary skill in the art to combine the feature of job records including information not found in other ones of the job records because this prevents grouping uncommon information together in a job record, which increases organization.

As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 1.

As to claims 21-22, they are rejected for the same reasons as stated in the rejection of claims 5-6.

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As to claim 27, Poublan teaches wherein the device and the communication device are included in a remote data storage system which communicates with a local data storage system including another communication device, a request from said local data storage system using said other communication device causing creation of one of said job records in said remote data storage system (*col. 9, lines 14-19, col. 56, lines 35-55, col. 40, lines 1-19, col. 41, lines 43-45col. 1, lines 34-44*).

**Claims 2-4 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poublan et al. (hereinafter Poublan) (US 4,104,718) in view of Brackett et al. (hereinafter Brackett) (US 6,519,632 B1), and further in view of James (US 6,035,376).**

As to claim 2, Poublan teaches using pointers to link device records and job records (see rejection of claim 1). Poublan fails to explicitly teach providing one of a plurality of shared pointers in each of the job records and the corresponding one of the device records, wherein all of the shared pointers point to the corresponding one of the device records. However, James teaches using shared pointers, which increases efficiency by saving from using multiple copies (*col. 4, lines 52-56 and col. 6, lines 13-16*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of shared pointers to Poublan's device communication system which also uses pointers in order to gain the benefit described above.

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As to claim 3, Poublan fails to explicitly teach wherein linking the job records includes providing a forward pointer and a backward pointer for each of the job records. However, James teaches using a forward pointer and a backwards pointer for each job fields of records in order to provide the advantage of allowing the data to be transferred immediately when it is available. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of using forward pointers and a backward pointers to Poublan's device communication system which also uses pointers in order to gain the benefit described above.

As to claim 4, Poublan teaches wherein linking the job records also includes providing a pointer to one of the job records in the corresponding one of the device records (*col. 41, lines 43-45*).

As to claims 18-20, they are rejected for the same reasons as stated in the rejection of claims 2-4.

#### **(10) Response to Argument**

*In the appeal brief filed 10/30/06, Applicant solely argues that Poublan et al., Brackett et al., nor Atkin et al. teach a task or job being serviceable by different entities.*

In response, the Examiner respectfully disagrees. The claimed limitation of "serviceable" does not mean performing the execution of jobs or tasks but rather the capability of executing



jobs or tasks. In further support of this, on page 8 of the Appeal Brief, Applicant states “a task or job may be serviceable by more than one entity if more than one entity can do the processing corresponding to the task or job” (emphasis added). The Examiner notes the distinction that processing can be done but is not necessarily being done. In *Atkin et al.*, col. 5, lines 1-15, teaches the capability of sending print jobs to a remote printer through a communication adapter, thus satisfying the Applicant’s own interpretation of the term “serviceable”.

The Applicant points to page 27, lines 7-9 of the Specification to show “entities” as being adapters (such as DA 36 or RA 32 in Fig. 1). Applicant mentions this in the Appeal Brief on page 8, line 5-7 of the 2<sup>nd</sup> paragraph. As stated in the rejection, *Atkins et al.* teaches a plurality of adapters (entities) such as an input/output adapter 29 and a communication adapter 34, wherein it transfers data and links the device with hundreds or even thousands of similar devices such as remote printers, remote services, or remote storage units (col. 4, lines 60-67 through col. 5, lines 1-15). In col. 5, lines 1-15, *Atkins et al.* disclose four adapters such as I/O adapter 18, User interface adapter 22, Communication adapter 34, and Display adapter 36. These plurality of adapters satisfy the Applicant’s definition of “entities” that are capable of satisfying the jobs, i.e., print jobs, communication jobs, etc.

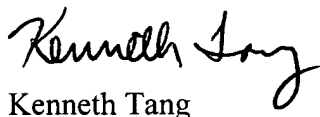
Although Applicant has mentioned that “entities” can be adapters, the Specification does not necessarily define entities as being adapters. In fact, the term “entities” is not found in the Specification. *Atkins et al.* teaches the data transferring by the adapter to a device or devices such as a remote printer, wherein the remote printer executes print jobs. Therefore, in addition to adapters, “entities” could also include the plurality of devices connected to the adapter, as one example.

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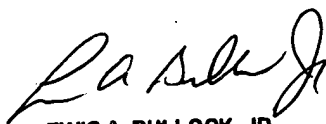
In addition, Pouban further supports the explanation of Atkins. As mentioned above, because the term "entities" has not been specifically defined in the Specification, the broadest reasonable interpretation of "entities" could also be the actual devices themselves. Therefore, the mere fact that there are a plurality of devices that have the capability of performing a job/task, shows that there is a teaching of being serviceable by more than one entity.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
Kenneth Tang

Conferees:

  
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